

**2001 DRAFTING REQUEST****Senate Amendment (SA-SB55)**

Received: 06/05/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Onsager

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - drugs  
Criminal Law - law enforcement

Extra Copies: rlr

Submit via email: NO

Requester's email:

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**Pre Topic:**

LFB:.....Onsager -

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**Topic:**

Appropriations to match federal Byrne grants

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 06/07/2001	jdye 06/07/2001		_____			
/1		csicilia 06/10/2001	haugca 06/07/2001	_____	lrb_docadmin 06/07/2001		
/2			pgreensl 06/10/2001	_____	lrb_docadmin 06/10/2001		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

<END>

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1?	mdsida	1 6/7 JLD	CH 6-7	CH 6-7 PS			

FE Sent For:

&lt;END&gt;

To: Bob Nelson,

From: Paul Onyager, LFB

Representative Kaufert  
Representative Huber

ADMINISTRATION—OFFICE OF JUSTICE ASSISTANCE

Byrne and Matching Penalty Assessment Funds

[LFB Paper #192, Alternative 1]

Motion:

Move to modify alternative 1 as follows: (a) delete the GLECC set-aside for unspecified projects by \$262,500 FED and \$52,500 PR annually; (b) delete \$200,000 FED and \$40,000 PR annually of funding for the purchase of in-car cameras; and (c) reduce funding in 2002-03 for the initial implementation of a misdemeanor offender diversion program developed by SPD in consultation with the Director of State Court and the WDAA by \$101,500 FED and \$33,800 PR, and provide that prior to implementation of a misdemeanor offender diversion program, the program proposal be approved by the Joint Committee on Finance under a passive review process. In addition, retain separate penalty assessment match appropriations for state and local Byrne funds.

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Note:

[Change to Bill: -\$1,612,900 FED and -\$1,958,600 PR]

2001

Date (time)  
needed

*soon*

LRB b *0628*, *1*

**LFB BUDGET AMENDMENT  
[ONLY FOR LFB]**

*mgd*: *jld*:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT  
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page *565*, line *10*: delete "~~(kt)~~ (kp)" and  
substitute "*(kt)*". ✓

#. Page *570*, line *11*: delete that line. ✓

#. Page *570*, line *23*: delete lines 23 to 25. ✓

#. Page *571*, line *7*: delete lines *7* to *8* and  
substitute "*account.*". ✓

#. Page *571*, line *10*: delete that line. ✓

#. Page *1785*, line *1*: delete lines *1* to *3*.  
(end) ✓



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb0628(1)  
MGD:jld:ch

LFB:.....Onsager – Appropriations to match federal Byrne grants

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

retrieve from hold

Insert III

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 565, line 10: delete “~~(kt)~~ (kp)” and substitute “(kt)”.
- 3 **2.** Page 570, line 11: delete that line.
- 4 **3.** Page 570, line 23: delete lines 23 to 25.
- 5 **4.** Page 571, line 10: delete that line.
- 6 **5.** Page 1785, line 1: delete lines 1 to 3.

7 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0628/2ins  
MGD:.....

(N sent 1/1)

subsection

1. Page 257, line 4: after that line insert:

"SECTION 328g. 16.964 (4) of the statutes is amended to read:

16.964 (4) In regard to any grant the office makes to any local unit of government for which the state is providing matching funds from moneys under s. 20.505 (6) (kp), the local unit of government shall provide matching funds equal to at least 10%. This ~~paragraph~~ does not apply to grants made to improve the enforcement of laws regarding controlled substances commonly known as club drugs, including ecstasy, and to educate the public regarding the nature and impact of those controlled substances and the criminal penalties that apply to possessing, manufacturing, distributing, or delivering them unlawfully."

History: 1987 a. 27; 1989 a. 31, 122; 1991 a. 39; 1993 a. 193; 1997 a. 252; 1999 a. 9 ss. 110, 110j, 2294m.

Score  
first  
period

plain close quotes  
plain period



in 2000-01 to \$300,000 annually. OJA was directed in 1999 Act 9 to provide \$150,000 for jail literacy programs in 2000-01 with the requirement that the grant recipient pay at least 25% of the total cost of its pilot literacy program. OJA was directed to award grants on a competitive basis to six counties for pilot literacy programs in jails or houses of corrections.

14. According to OJA, a solicitation to submit proposals for jail literacy program funding was sent out, with little response from counties. OJA officials believe the reluctance to submit requests was likely due to the \$25,000 limit on funding and the 25% match requirement. OJA subsequently reissued a request for proposals; six proposals were received and five were funded. Under the Governor's recommendation, the \$25,000 grant ceiling and the 25% match requirement would be eliminated (the 10% local match requirement would instead apply). OJA indicates that counties in addition to the five currently participating have expressed interest in applying for any future jail literacy funds.

### **Racial Profiling/In-Car Cameras**

15. The bill would provide \$240,000 annually for the purchase of video cameras installed in police patrol cars to identify and deter racial profiling. This proposal is a product of the Governor's Task Force on Racial Profiling. The task force concluded that, "law enforcement should be encouraged to use in-car video cameras provided primarily through public funding alternatives" and that "Task Force members and the law enforcement community are interested in new initiatives but are not in favor of unfunded mandates." The task force's report cited testimony that in-car cameras can not only help to identify and prove when racial profiling occurs, but can also be an effective deterrent against false accusations of racial profiling. Both the Wisconsin Chiefs of Police and the Wisconsin Law Enforcement Coalition recommended the use of video cameras, with public funding, in their resolutions on racial profiling.

16. In considering the purchase of video cameras by local police departments, the report stated that, "the cost of purchasing and installing video cameras can be a deterrent to their implementation." The Task Force estimated that the average cost of a video camera is \$5,000. The Governor's proposal, therefore, would fund approximately 48 in-car cameras annually in 2001-03.

17. The Task Force report does not identify the number of cameras that potentially would be needed, although it does acknowledge the cost would be large. The report further suggests that funding could be provided over time, "with priority given to vehicles used in appropriate areas or with appropriate personnel." However, the report does not define "appropriate."

18. It is estimated that state-wide there are approximately 3,500 police vehicles, with the City of Milwaukee having approximately 350 vehicles. If 48 in-car cameras were provided annually, it would take over seven years to fully equip the City of Milwaukee's current squad cars with in-car cameras.

19. The report states, "In short, the benefits of the video cameras and their cost must be weighed against the entire budget and priorities of any agency. This does not diminish the value of

For state programs, appropriations to the state agencies in the bill reflect the bill's intent. Local programs, with the two exceptions noted above, are identified only in the executive budget book or not at all.

35. A reason for not including specific language in the bill on project funding would be to provide OJA flexibility to adjust program funding levels should federal revenues be different than currently estimated. Providing specific direction to OJA in the bill on program funding could be seen as a way to ensure that legislative program funding priorities are met, to the extent that federal funding is available.

### **Consolidation of State and Local Byrne Penalty Assessment Match Appropriations**

36. Under current law penalty assessment matching funds are deposited into three separate appropriations: (a) the anti-drug enforcement program--administration appropriation; (b) the anti-drug enforcement program, penalty assessment--local appropriation; and (c) the anti-drug enforcement program, penalty assessment--state appropriation. Under the bill, the Governor would combine the penalty assessment--local match and penalty assessment--state match appropriations into a single appropriation.

37. Consolidation of appropriations allows agencies more administrative flexibility with regard to expenditure control by providing a larger and less restricted level of funding. With the penalty assessment match appropriations, combining the appropriations would allow for transfer between state and local programs to the extent allowed by federal law.

38. However, having separate penalty assessment state and local appropriations provides the Legislature with greater oversight over the use of federal Byrne funds. Separate appropriations would also allow the proper reflection of each appropriation's funding category (state operations and local assistance).

## **ALTERNATIVES**

### **A. Byrne and Penalty Assessment Match Funding**

1. Approve the Governor's recommendation, as technically corrected, to provide the following for Byrne grant and penalty assessment funding: (a) provide \$753,500 FED in 2001-02 and \$293,100 FED in 2002-03 to reflect a reestimate of available Byrne grant funding for local programs; and (b) provide -\$1,259,700 FED in 2001-02 and \$240,300 FED in 2002-03 to reflect a reestimate of available Byrne grant funding for state programs (reflects technical correction deleting \$293,200 FED annually for state Byrne funds that were inadvertently provided). In addition, authorize OJA to provide the full 25% match for the ecstasy awareness and enforcement grants with penalty assessment revenues, as requested as a modification to the bill by the State Budget Director. In addition, delete \$869,600 PR in 2001-02 and \$870,200 PR in 2002-03 in penalty assessment funding for youth diversion program funding, for full funding of certain salaries and fringe benefits and reclassification standard budget adjustments, as well as penalty assessment match money for

LFB:.....Onsager – Appropriations to match federal Byrne grants

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144**

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- (END)